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GOVERNMENT OF TRIPURA
LAW DEPARTMENT
SECRETARIAT : AGARTALA

No.F.11 (2)- Law/Lib/2018/9385-86 **Dated, Agartala the 25th September, 2019.**

Subject : Re-publication of Central Acts & Amendment Acts in the State Gazette.

3. The Protection of Children from Sexual Offences (Amendment) Act, 2019 (Act No.25of 2019)

25/09/19

Rahul Roy
Under Secretary, Law
Government of Tripura.

THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES (AMENDMENT) ACT, 2019

AN

ACT

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Protection of Children from Sexual Offences (Amendment) Act, 2019.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of section 2.

32 of 2012.

2. In the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the principal Act), in section 2,—

(*a*) in sub-section (*1*), after clause (*d*), the following clause shall be inserted, namely:—

'(*da*) "child pornography" means any visual depiction of sexually explicit conduct involving a child which include photograph, video, digital or computer generated image indistinguishable from an actual child, and image created, adapted, or modified, but appear to depict a child;';

(*b*) in sub-section (*2*), for the words, brackets and figures "the Juvenile Justice (Care and Protection of Children) Act, 2000", the words, brackets and figures "the Juvenile Justice (Care and Protection of Children) Act, 2015" shall be substituted. 56 of 2000. 2 of 2016.

Amendment of section 4.

3. In the principal Act, section 4 shall be renumbered as section 4(*1*) thereof and—

(*a*) in sub-section (*1*) as so renumbered, for the words "seven years", the words "ten years" shall be substituted;

(*b*) after sub-section (*1*), the following sub-sections shall be inserted, namely:—

"(*2*) Whoever commits penetrative sexual assault on a child below sixteen years of age shall be punished with imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of natural life of that person, and shall also be liable to fine.

(*3*) The fine imposed under sub-section (*1*) shall be just and reasonable and paid to the victim to meet the medical expenses and rehabilitation of such victim.".

Amendment of section 5.

4. In section 5 of the principal Act,—

(*I*) in clause (*j*),—

(*A*) in sub-clause (*i*), the word "or" occurring at the end shall be omitted;

(*B*) in sub-clause (*iii*), the word "or" occurring at the end shall be omitted;

(*C*) after sub-clause (*iii*), the following sub-clause shall be inserted, namely:—

"(*iv*) causes death of the child; or";

(*II*) in clause (*s*), for the words "communal or sectarian violence", the words "communal or sectarian violence or during any natural calamity or in similar situations" shall be substituted.

Substitution of new section for section 6.

5. For section 6 of the principal Act, the following section shall be substituted, namely:—

Punishment for aggravated penetrative sexual assault.

"6. (*1*) Whoever commits aggravated penetrative sexual assault shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of natural life of that person, and shall also be liable to fine, or with death.

(*2*) The fine imposed under sub-section (*1*) shall be just and reasonable and paid to the victim to meet the medical expenses and rehabilitation of such victim.".

Amendment of section 9.

6. In section 9 of the principal Act,—

(*i*) in clause (*s*), for the words "communal or sectarian violance", the words "communal or sectarian violence or during any natural calamity or in any similar situations" shall be substituted;

(*ii*) after clause (*u*), the following clause shall be inserted, namely:—

"(*v*) whoever persuades, induces, entices or coerces a child to get administered or administers or direct anyone to administer, help in getting administered any drug or hormone or any chemical substance, to a child with the intent that such child attains early sexual maturity;".

Substitution of new section for section 14.

7. For section 14 of the principal Act, the following section shall be substituted, namely:—

Punishment for using child for pornographic purposes.

"14. (*1*) Whoever uses a child or children for pornographic purposes shall be punished with imprisonment for a term which shall not be less than five years and shall also be liable to fine, and in the event of second or subsequent conviction with imprisonment for a term which shall not be less than seven years and also be liable to fine.

(*2*) Whoever using a child or children for pornographic purposes under sub-section (*1*), commits an offence referred to in section 3 or section 5 or section 7 or section 9 by directly participating in such pornographic acts, shall be punished for the said offences also under section 4, section 6, section 8 and section 10, respectively, in addition to the punishment provided in sub-section (*1*).*.

Substitution of new section for section 15.

8. For section 15 of the principal Act, the following section shall be substituted, namely:—

Punishment for storage of pornographic material involving child.

"15. (*1*) Any person, who stores or possesses pornographic material in any form involving a child, but fails to delete or destroy or report the same to the designated authority, as may be prescribed, with an intention to share or transmit child pornography, shall be liable to fine not less than five thousand rupees, and in the event of second or subsequent offence, with fine which shall not be less than ten thousand rupees.

(*2*) Any person, who stores or possesses pornographic material in any form involving a child for transmitting or propagating or displaying or distributing in any manner at any time except for the purpose of reporting, as may be prescribed, or for use as evidence in court, shall be punished with imprisonment of either description which may extend to three years, or with fine, or with both.

(*3*) Any person, who stores or possesses pornographic material in any form involving a child for commercial purpose shall be punished on the first conviction with imprisonment of either description which shall not be less than three years which may extend to five years, or with fine, or with both, and in the event of second or subsequent conviction, with imprisonment of either description which shall not be less than five years which may extend to seven years and shall also be liable to fine.".

Amendment of section 34.

9. In section 34 of the principal Act, for the words, brackets and figures "the Juvenile Justice (Care and Protection of Children) Act, 2000", the words, brackets and figures "the Juvenile Justice (Care and Protection of Children) Act, 2015" shall be substituted.

56 of 2000.
2 of 2016.

Amendment of section 42.

10. In section 42 of the principal Act, for the figures, letter and words "376E or section 509 of the Indian Penal Code", the figures, letters and words "376E, section 509 of the Indian Penal Code or section 67B of the Information Technology Act, 2000" shall be substituted.

45 of 1860.
21 of 2000.

Amendment of section 45.

11. In section 45 of the principal Act, in sub-section (*2*), clause (*a*) shall be re-lettered as clause (*ab*) thereof and before clause (*ab*) as so re-lettered, the following clauses shall be inserted, namely:—

"(*a*) the manner of deleting or destroying or reporting about pornographic material in any form involving a child to the designated authority under sub-section (*1*) of section 15;

(*aa*) the manner of reporting about pornographic material in any form involving a child under sub-section (*2*) of section 15;".